

#17

**FACSIMILE BROWN MARTIN HALLER & McCLAIN**TO FAX NO.: 1-703-308-2571ATTENTION: Examiner Jeffrey A. Shapiro  
Group Art Unit 3651FROM: J.W. McClainNumber of pages: 14  
(including cover page)Date of transmission: December 24, 2001Attorney Docket No.: 7480 PA1CP2Attorneys at Law  
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Re: Patent Application Ser. No. 09/364,794, filed July 30, 1999, for VACUUM PNEUMATIC SYSTEM FOR CONVEYANCE OF ICE; Inventor(s): J. Eric Berge et al.

Submitted herewith by facsimile are the following papers:

- A. Response under 37 C.F.R. § 1.116 [11 pages]
- B. Transmittal Form (PTO/SB/21) [1 page]
- C. Fee Transmittal for FY 2002 (PTO/SB/17) [1 page]
- D. This Facsimile Cover Sheet [1 page]

The Patent and Trademark Office is authorized to charge Deposit Account No. 02-4070 for all fees, if any, associated with submission of this correspondence.

Respectfully submitted,

  
James W. McClain  
Attorney for Applicants  
Reg. No. 24,536**FAX RECEIVED**  
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GROUP 3600**OFFICIAL**

(FAXZSHAP01.L24)

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amendment

JW 12/28/02

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PTO/SB/21 (08-00)  
 Approved for use through 10/31/2002. OMB 0851-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|  |                      |                        |             |
|--|----------------------|------------------------|-------------|
| <b>TRANSMITTAL<br/>FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 09/364,794             |             |
|  | Filing Date          | July 30, 1999          |             |
|  | First Named Inventor | J. Eric Berge          |             |
|  | Group Art Unit       | 3651                   |             |
|  | Examiner Name        | Jeffrey A. Shapiro     |             |
| Total Number of Pages in This Submission   | 14                   | Attorney Docket Number | 7480 PA1CP2 |

| ENCLOSURES (check all that apply)  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input checked="" type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Facsimile Transmittal Sheet |
| Remarks  |   |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | James W. McClain, Reg. No. 24,536   |
| Signature                                  |  |
| Date                                       | December 24, 2001   |

| CERTIFICATE OF MAILING   |       |
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| Typed or printed name  | _____ |
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PTO/SB/17 (11-01)

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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **0.00****Complete if Known**

|                      |                    |
|----------------------|--------------------|
| Application Number   | 09/364,794         |
| Filing Date          | July 30, 1999      |
| First Named Inventor | J. Eric Berge      |
| Examiner Name        | Jeffrey A. Shapiro |
| Group Art Unit       | 3651               |
| Attorney Docket No.  | 7480 PA1CP2        |

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02-4070

Brown Martin Haller ...

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**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description        | Fee Paid |
|---------------|---------------|------------------------|----------|
| 101 740       | 201 370       | Utility filing fee     |          |
| 106 330       | 206 165       | Design filing fee      |          |
| 107 510       | 207 255       | Plant filing fee       |          |
| 108 740       | 208 370       | Reissue filing fee     |          |
| 114 160       | 214 80        | Provisional filing fee |          |

**SUBTOTAL (1)** (\$) **0.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** =      | X              |          |
| Multiple Dependent | -3** =       | X              |          |

Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 103 18        | 203 9         | Claims in excess of 20                                     |          |
| 102 84        | 202 42        | Independent claims in excess of 3                          |          |
| 104 280       | 204 140       | Multiple dependent claim, if not paid                      |          |
| 109 84        | 209 42        | ** Reissue independent claims over original patent         |          |
| 110 18        | 210 9         | ** Reissue claims in excess of 20 and over original patent |          |

**SUBTOTAL (2)** (\$) **0.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description   | Fee Paid |
|---------------|---------------|---|----------|
| 105 130       | 205 65        | Surcharge - late filing fee or oath   |          |
| 127 50        | 227 25        | Surcharge - late provisional filing fee or cover sheet                      |          |
| 139 130       | 139 130       | Non-English specification   |          |
| 147 2,520     | 147 2,520     | For filing a request for <del>re</del> parts reexamination                  |          |
| 112 920*      | 112 920*      | Requesting publication of SIR prior to Examiner action                      |          |
| 113 1,840*    | 113 1,840*    | Requesting publication of SIR after Examiner action                         |          |
| 115 110       | 215 55        | Extension for reply within first month                                      |          |
| 116 400       | 216 200       | Extension for reply within second month                                     |          |
| 117 920       | 217 460       | Extension for reply within third month                                      |          |
| 118 1,440     | 218 720       | Extension for reply within fourth month                                     |          |
| 128 1,960     | 228 980       | Extension for reply within fifth month                                      |          |
| 119 320       | 219 160       | Notice of Appeal  |          |
| 120 320       | 220 160       | Filing a brief in support of an appeal                                      |          |
| 121 280       | 221 140       | Request for oral hearing  |          |
| 136 1,510     | 136 1,510     | Petition to Institute a public use proceeding                               |          |
| 140 110       | 240 55        | Petition to revive - unavoidable  |          |
| 141 1,280     | 241 640       | Petition to revive - unintentional  |          |
| 142 1,280     | 242 640       | Utility issue fee (or reissue)  |          |
| 143 460       | 243 230       | Design issue fee  |          |
| 144 620       | 244 310       | Plant issue fee   |          |
| 122 130       | 122 130       | Petitions to the Commissioner   |          |
| 123 50        | 123 50        | Processing fee under 37 CFR 1.17(q)   |          |
| 126 180       | 126 180       | Submission of Information Disclosure Stmt                                   |          |
| 581 40        | 581 40        | Recording each patent assignment per property (within number of properties) |          |
| 146 740       | 246 370       | Filing a submission after final rejection (37 CFR § 1.129(a))               |          |
| 149 740       | 249 370       | For each additional invention to be examined (37 CFR § 1.129(b))            |          |
| 179 740       | 279 370       | Request for Continued Examination (RCE)                                     |          |
| 169 900       | 169 900       | Request for extended examination of a design application                    |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) **0.00****SUBMITTED BY**

Name (Print/Type) James W. McClain

Registration No.  
(Attorney/Agent)

24,536

Complete (if applicable)

Telephone

619-238-0999

Signature

Date

12/24/01

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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of ) FOR: VACUUM PNEUMATIC SYSTEM FOR  
J. ERIC BERGE ET AL. ) CONVEYANCE OF ICE  
Serial No.: 09/364,794 )  
Filing Date: July 30, 1999 ) Group Art Unit: 3651

## RESPONSE UNDER 37 C.F.R. § 1.116

Hon. Commissioner for Patents  
Washington, D.C. 20231

Attention: Jeffrey A. Shapiro  
Examiner

Dear Sir:

This communication is further in response to the Office Action designated Paper No.  
14.

Please amend the above-identified patent application as follows:

I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark Office  
to Fax No. (703) 308-2571

on December 24, 2001

James H. McClain  
(Name)

(Signature)

December 24, 2001

(Date of Signature)

[AMDZBERG01.L24]

- 1 -

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